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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,831	09/22/2005	Roland Frans Cyrille Vanblaeze	25943-0004US1	9025
26161 7590 11/26/2010 FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
JACYNA, J CASIMER				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/542,831

Applicant(s)

VANBLAERE ET AL.

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 29-31 is/are pending in the application.
4a) Of the above claim(s) 5, 7-13, 22, 23, 29 and 30 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 6, 14-21, 24-27 and 31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. Claims 5, 7-13, 22, 23, 29 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/1/2008.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Upon further consideration it is noted that the specification does not state that the pressure controller is entirely disposed within the high pressure chamber. The specification does not define the perimeter or the boundary of the high pressure chamber. Page 9, lines 15-16, disclose that the pressure controller 5 is included within cylinder 42 which is open to the low pressure chamber at 13. Therefore the pressure within cylinder 42 is the low pressure. Since portion 19 of the pressure controller 5 is within cylinder 42, at least a portion of the pressure controller 5 is surrounded by a low pressure area defined by cylinder 42 wherein the controller 5 is not entirely within a high pressure chamber as is now claimed.
4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1-4, 6, 14-21, 24-27 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Upon further consideration it is noted that the specification does not state that the pressure controller is entirely disposed within the high pressure chamber. The specification does not define the perimeter or the boundary of the high pressure chamber. Page 9, lines 15-16, disclose that the pressure controller 5 is included within cylinder 42 which is open to the low pressure chamber at 13. Therefore the pressure within cylinder 42 is the low pressure. Since portion 19 of the pressure controller 5 is within cylinder 42, at least a portion of the pressure controller 5 is surrounded by a low pressure area defined by cylinder 42 wherein the controller 5 is not entirely within a high pressure chamber as is now claimed.

6. Claims 1-4, 6, 14-21, 24, 26, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of van't Hoff 6,616,017 and Berube et al. 5,179,982. The embodiment of figure 1 of DE discloses a pressure package system including a product chamber 1, a working pressure chamber located between the wall attached to 7 and 3, a reservoir high pressure propellant chamber 4, and a pressure controller 5 the upper portion of which is disposed within the high pressure chamber 4 as claimed, a movable wall as is 3 in figure 1 with the side of 3 facing 7 bounding the working pressure chamber and the opposite side of 3 bounding the product chamber 1 substantially as claimed, but does not disclose the pressure controller to include a reference pressure chamber nor to be entirely disposed within the high pressure

chamber. However, in regard to the reference pressure chamber, Hoff teaches another pressure package system also including a product chamber 55, a working propellant chamber 56, an expandable wall 1, wherein the device is designed to have the pressure in 56 recover after dispensing to return to a predetermined or working pressure as disclosed on column 7, lines 35-48, (note column 6, line 62, to column 7, line 48), therefore a substantially constant working pressure will be maintained in 56 as claimed, a reservoir propellant chamber 4 wherein the pressure controller 10 includes a reference pressure chamber 6 for the purpose of more accurately controlling the working pressure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pressure controller of DE with a reference pressure chamber as, for example, taught by Hoff, in order to more accurately control the working pressure. In regard to the controller being entirely disposed in the high pressure chamber, Berube teaches another pressure package system also including a product chamber 28, a working propellant chamber 30, an expandable wall 62, and a pressure controller V which is entirely disposed within the high pressure chamber 30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the pressure controller of DE entirely within the high pressure chamber 4 as, for example, taught by Berube, because Berube teaches the this location for a pressure controller is an art recognized equivalent which would work equally well in the DE device with a high probability of success. In regard to claims 15 and 16, DE teaches the use of nitrogen on page 2, line 20, of the translation.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of van't Hoff 6,616,017 and Berube et al. 5,179,982 as applied to claim 1 above, and further in view of Lippman et al. 5,423,454. DE discloses a pressure package system substantially as claimed but does not disclose the pressure package to be plastic. However, Lippman teaches another pressure package system having a plastic pressure package as disclosed on column 10, lines 4-10, that is made from plastic for the purpose of providing a suitable material that is lightweight and corrosion resistant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of DE with a plastic pressure package as, for example, taught by Lippman in order to provide a suitable material that is lightweight and corrosion resistant.

8. Claims 1-4, 6, 14-21, 24, 26, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of Couffer 3,228,559 and Berube et al. 5,179,982. The embodiment of figure 1 of DE discloses a pressure package system including a product chamber 1, a working pressure chamber located between the wall attached to 7 and a flexible wall as is plunger 3 in figure 2, a high pressure chamber 4, and a pressure controller 5 the upper portion of which is disposed within the high pressure chamber 4 as claimed. Therefore, DE discloses a pressure package system substantially as claimed but does not disclose the pressure controller to have a reference pressure chamber nor to be entirely disposed within the high pressure chamber. However, in regard to the reference pressure chamber, Couffer teaches another pressure controller having reference pressure chamber 13 for the purpose of

attaining substantially constant and adjustable working pressure in the combined working pressure and product chamber. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of DE with a reference pressure chamber as, for example, taught by Couffer in order to attain a substantially constant and adjustable working pressure in the working pressure chamber. In regard to the controller being entirely disposed in the high pressure chamber, Berube teaches another pressure package system also including a product chamber 28, a working propellant chamber 30, an expandable wall 62, and a pressure controller V which is entirely disposed within the high pressure chamber 30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the pressure controller of DE entirely within the high pressure chamber 4 as, for example, taught by Berube, because Berube teaches the this location for a pressure controller is an art recognized equivalent which would work equally well in the DE device with a high probability of success. In regard to claims 13 and 14, DE teaches the use of nitrogen on page 2, line 20, of the translation.

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of Couffer 3,228,559 and Berube et al. 5,179,982, as applied to claim 1 above and further in view of Lippman et al. 5,423,454. DE discloses a pressure package system substantially as claimed but does not disclose the pressure package to be plastic. However, Lippman teaches another pressure package system having a plastic pressure package as disclosed on column 10, lines 4-10, that is made from plastic for the purpose of providing a suitable material that is lightweight and corrosion

resistant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of DE with a plastic pressure package as, for example, taught by Lippman in order to provide a suitable material that is lightweight and corrosion resistant.

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/
Primary Examiner, Art Unit 3754